

Fair Political Practices Commission

Memorandum

To: Chairman Randolph, Commissioners Blair, Downey, Huguenin, and Remy

From: Theis Finlev, Executive Fellow
Mark Krausse, Executive Director

Subject: Legislative Report

Date: April 7, 2005

The deadline for bills with a fiscal impact to pass out of policy committee is April 29th, and the deadline for non-fiscal bills is May 6th. Policy committee hearings are proceeding apace.

<i>Action Items</i>		Bills Amending the Political Reform Act	
Bill No.	Author	Title	Introduced/Amended

AB 513 Richman **Lobbyist registration: bond consultants** **I-02/16/05**
This bill would expand the definition of administrative action to include the selection of an underwriter for state or local bond business. **Set for hearing: 4/19/05 Assembly Elections Committee.**
Recommended position: no position.

AB 583 Hancock **California Clean Money Act of 2005** **I-02/16/05**
This bill would enact the California Clean Money and Fair Elections Act of 2005, which would authorize eligible candidates, as defined, to obtain public funds according to specified procedures and requirements, provided that certain thresholds are attained. The bill would impose responsibility for the administration of the provisions of the bill on the Fair Political Practices Commission. The bill would appropriate \$500,000 each fiscal year from the fund created by the bill to the Fair Political Practices Commission for the purpose of administration of the act, as specified. **Set for hearing: 4/19/05 Assembly Elections Committee.** ***Recommended position: no position.***

AB 739 Nation **Political Expenditure Disclosure** **I-02/17/05**
The bill lowers from \$50,000 to \$10,000 the reporting threshold applicable to issue advocacy communications that clearly identify a candidate for elective state office made within 45 days of an election. The bill also lowers the threshold for donor reporting from \$5,000 to \$1,000. **Set for hearing: 4/19/05 Assembly Elections Committee.** ***Recommended position: no position.***

SB 784 Committee **Campaign contributions and expenditures** **A-03/29/05**
This bill extends the reporting threshold and deadline for payments for legislative, governmental, or charitable purposes made "at the behest of" an elected official from \$5,000 to \$7,000 and from 30 days to 90 days, respectively. It also specifies that such a payment made in response to a press release, interview, or other media-related communication from an elected official is not required to be reported. In addition, it adds that an elected official is required to report such a payment only if he or she knows, or has reason to know, that a payment was made at his or her behest. **Passed Senate Elections Committee; referred to Appropriations Committee.** ***Recommended position: neutral.***

<i>Informational Items</i>		Bills Amending the Political Reform Act	
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AB 16 Huff Campaign Contributions A-02/09/05

This bill prohibits the Governor or a member of the Legislature from accepting any campaign contributions between the date of the May budget revision and the date of the enactment of the budget bill for the upcoming fiscal year. **Held in Assembly Elections Committee without recommendation. Position: Oppose unless amended.**

AB 40 Wolk Conflict of interest: lobbying interests I-12/6/04

This bill prohibits lobbyists who contract with an elected state officer from lobbying that officer, his or her staff or the staff of any committee the member chairs, and requires notification to the Secretary of State by lobbyists who enter into a contractual agreement with an elected state officer. AB 40 also requires that any payment conditioned on the outcome of an election be disclosed in pre-election reports. **Failed in Assembly Elections Committee. Position: Oppose unless amended.**

AB 347 Huff Enforcement A-03/29/05

This bill would make a violation of the Act a misdemeanor or felony, punishable by imprisonment in a county jail for no more than one year, or by 16 months, 2 years, or 3 years in the state prison. This bill contains other related provisions and other existing laws. **Failed passage in Assembly Elections Committee; reconsideration granted. Position: Support.**

AB 709 Wolk Candidate controlled ballot measure committees I-02/17/05

Imposes a \$5,600 limit on contributions to ballot measure committees controlled by elective state office candidates. Primarily formed ballot measure committees would be subject to the post-election fundraising restrictions in the Act. The bill aggregates contributions to multiple ballot measure committees in support of, or in opposition to the same ballot measure that are controlled by the same state candidate. **Passed Assembly Elections Committee; to Appropriations Committee. Position: Support.**

AB 891 DeVore Slate Mailer Organizations I-02/18/05

This bill would amend the Act's slate mailer provisions to (1) make inclusion in a slate mailer sent by a recipient committee not at the candidate's behest a contribution to a candidate who does not pay equal consideration for the mailer; (2) require a slate mailer organization to notify the candidate of the value of the contribution; and (3) require the Commission adopt regulations providing a method for valuing slate mailer communications. **Set for hearing: 4/19/05 Assembly Elections Committee. Proposed to be amended.**

AB 938 Umberg Campaign expenditure disclosures I-02/18/05

This bill would require committees that are required under existing law to file online or electronically to also file a report online or electronically disclosing expenditures totaling \$10,000 or more to support or oppose the qualification or passage of a ballot measure, and disclosing other specified information, within 10 business days of making the expenditure. The bill would require that this report also be filed in the places where the committee would be required to file campaign statements if it were formed or existing primarily to support or oppose the measure for or against which it is making the expenditure. **Set for hearing: 4/19/05 Assembly Elections Committee.**

Informational Items		Bills Amending the Political Reform Act (cont'd)	
Bill No.	Author	Title	Introduced/Amended
AB 1391	Leno	Campaign disclosure	A-03/29/05
This bill would define a state general purpose committee as a committee that is not a county or city general purpose committee, or a committee that makes expenditures to support or oppose candidates or measures voted on in a state election, or in more than one county, including contributions to state general purpose committees, which total more than 50% of the contributions and independent expenditures made by the committee. Passed Assembly Elections Committee; referred to Appropriations Committee. Position: Sponsor.			
AB 1404	Coto	Conflicts of interest: schools Teacher credentialing	A-03/29/05
Previously amended the PRA. That language was deleted from the bill, so the bill will be removed from the Commission's list before the next report. Amended out of Political Reform Act—to be deleted.			
AB 1558	Wolk	Pilot project: financial interests in public contracts	I-02/22/05
Commission-sponsored Govt. Code sec. 1090 pilot project to issue opinions to public officials after consultation with the AG's office and applicable local prosecutor. Set for hearing: 04/19/05 Assembly Elections Committee. Position: Sponsor.			
AB 1755	Committee	Enforcement	I-03/15/05
Commission-sponsored bill to 1) delete reporting provisions relating to the now-obsolete March state primary, 2) clarify two provisions related to electronic reporting, 3) extend from 30- to 45-days the period during which a candidate may leave one office and assume another without having to file a new SEI, and 4) requires service to the Commission of a copy of a civil suit filed under the Act before relief may be granted. Set for hearing: 04/19/05 Assembly Elections Committee. Position: Sponsor.			
SB 8	Soto	Conflicts of interest	A-03/30/05
This bill extends the one-year post-governmental employment restrictions currently applicable to state public officials to local elected officials, county chief administrative officers, city managers or administrators, and special district general managers or chief administrators Amended; referred to Appropriations Committee. Position: Oppose unless amended.			
SB 11	Bowen	Contributions: voting equipment manufacturers or vendors	A-03/30/05
This bill prohibits a candidate for elective state or local office from accepting any contributions from a manufacturer or vendor of voting equipment or systems. This bill also amends the Elections Code to declare that the Secretary of State cannot serve as an officer of a political party or partisan organization, or support or oppose any candidate or ballot measure. Amended; referred to Appropriations Committee. Position: Oppose unless amended.			
SB 25	Ackerman	Political Reform Act of 1974	A-01/19/05
This bill creates a presumption that a contribution received in response to a written solicitation from an elective state office candidate or his or her committee is received in response to that solicitation, for that candidate or committee, or for the term of office specified in the solicitation. The bill also repeals two sections related to the now obsolete March state primary election. On Senate floor. Position: Oppose unless amended.			

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Informational Items		Bills Amending the Political Reform Act (cont'd)	
Bill No.	Author	Title	Introduced/Amended

SB 36 Florez 501(c)(4) issue advocacy disclosure I-12/6/04

This bill would require nonprofit (501(c)(4)) organizations to file campaign disclosure reports as a recipient committee if they spend \$1,000 or more in a calendar year on advertisements that do not expressly advocate, but clearly identify a state candidate or a ballot measure. **First hearing canceled at request of author. Position: Oppose unless amended.**

SB 54 Ackerman Political Reform Act of 1974 I-01/14/05

Substantially similar to, and rendered obsolete by, SB 25. **Referred to Rules Committee. Position: Oppose unless amended.**

SB 145 Murray Contributions A-03/14/05

This bill would authorize an elected state officer to accept contributions after the date of the election to the office presently held for the purpose of paying expenses associated with holding office or for any other purpose authorized by the Political Reform Act of 1974, subject to certain limitations. The bill would set limits on the amount of contributions that may be made to an elected state officer in a calendar year and on the aggregate amount of contributions that a state officer may receive in a calendar year. **Passed Senate Elections Committee; referred to Appropriations Committee. Position: Neutral.**

SB 289 Battin Conflicts of interest I-02/16/05

“Spot” bill that adds “or her” where “his” is used in statute 87100 of the Political Reform Act. **Referred to Rules Committee.**

SB 721 Chesbro Elections: ballot pamphlets I-02/22/05

Existing law provides that any elector may initiate a challenge to a copy for the ballot pamphlet for statewide elections by showing that the copy is false, misleading, or inconsistent with specified statutory law, and that the issuance of a writ of mandate to amend or delete copy will not substantially interfere with the printing and distribution of the ballot pamphlet. This bill would codify the requirements of existing law that, in ruling on a challenge to a ballot pamphlet copy, a court shall indulge all legitimate presumptions in favor of the propriety of the copy, and find the copy sufficient in cases where reasonable minds could differ as to the sufficiency of the copy. **Set for hearing: 04/19/05 in Senate Judiciary Committee.**

SB 1013 Florez Political expenditure I-02/22/05

Nonsubstantive (“spot”) bill. **In Senate Rules awaiting assignment.**

Informational Items		Bills Not Amending the PRA	
Bill No.	Author	Title	Introduced/Amended

SB 18 Ortiz Reproductive health and research A-02/22/05

This bill would declare that it is the intent of the Legislature that the Independent Citizen’s Oversight Committee define which positions would be subject to the Political Reform Act and that the requirements for the reporting of economic interest be commensurate with those required of state agency appointees. **First hearing cancelled at request of author.**

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SB 787 McClintock Elections officials: restrictions on political activities A-03/30/05

This bill would define “elections officials” to include the Secretary of State, employees of the Secretary of State’s office, and city and county elections officials and their employees and would prohibit these “elections officials” from taking part in specified political activities. FPPC Commissioners and employees were amended out of the bill. **Referred to Senate Elections Committee.**

ACR 1 McLeod Proposition 71: stem cell research A-03/17/05

This measure would urge the Independent Citizen's Oversight Committee established pursuant to Proposition 71 approved by the voters at the November 2, 2004, general election, to adopt robust conflict-of-interest standards for itself and for the members of its working groups, to comply with standards set forth in provisions of law relating to open meetings of public agencies and public records, and to report to the Legislature by April 1, 2005. **Be adopted. To consent calendar.**